

SEALED

UNITED STATES DISTRICT COURT

FILED

for the
Eastern District of North Carolina

DEC 11 2015

JULIE RICHARDS JOHNSTON, CLERK
US DISTRICT COURT, EDNC
BY JP DEP CLK

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)IN THE MATTER OF THE SEARCH OF INFORMATION
ASSOCIATED WITH alain_de_la@YAHOO.COM THAT IS STORED
AT PREMISES CONTROLLED BY YAHOO, INC.

Case No. 5:15-mj-2259-JG

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
alain_de_la@YAHOO.COM (as further described in Attachments A, and B incorporated herein)

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):
See Attachment A and B incorporated herein

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S. Code § 1924Offense Description
Unauthorized removal and retention of classified documents or materials

The application is based on these facts:

See Attached Affidavit herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

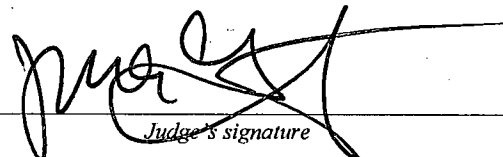
 Nicholas Brinkley, Special Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date:

11 December 2015

City and state: Raleigh, North Carolina


 Judge's signature

 James E. Gates, U.S. Magistrate Judge
 Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
alain_de_la@yahoo.com THAT IS
STORED AT PREMISES CONTROLLED
BY YAHOO, INC.

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Special Agent Nicholas Brinkley**, as Affiant in this matter and after being duly sworn, hereby state:

I. INTRODUCTION

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March of 2010. As an FBI Agent, I have conducted criminal investigations - to include Counter-Intelligence and Espionage investigations. I have received training conducting criminal and intelligence investigations, conducting searches and seizures, and effecting criminal arrests. I have received additional training specifically regarding investigations into the transfer of technology and sensitive information to foreign powers.
2. This affidavit is made in support of a search warrant for an email account controlled and hosted by the web-based Internet host provider, Yahoo, Inc. (hereinafter Yahoo). The account to be searched, **alain_de_la@yahoo.com**, is an email

account more fully described in Attachments A and B. As set forth herein, your Affiant asserts that there is probable cause to believe that on the computer systems of Yahoo, there is evidence and instrumentalities of violation of Title 18 U.S. Code § 1924 - Unauthorized removal and retention of classified documents or material.¹ Because Yahoo is not in a position to adequately review the information described in Section I of Attachment B for the particular items the government has probable cause to seize, government authorized persons will review the information to locate items described in Section II of Attachment B.

3. The present warrant is sought pursuant to Title 18 U.S.C. § 2703(b)(A), whereby the Government may require a remote computer service to disclose the contents of any wire or electronic communication "without required notice to the

¹ Title 18 U.S. Code § 1924

(a) Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined under this title or imprisoned for not more than one year, or both.

(b) In this section, the term "classified information of the United States" means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.

subscriber or customer, if the governmental entity obtains a warrant...by a court with jurisdiction over the offense under investigation." This court has jurisdiction over a violation of Title 18 U.S. Code § 1924. Your Affiant respectfully submits that the facts and circumstances detailed in this Affidavit display that conduct related to the offense occurred within Wake County, North Carolina.

4. The facts set forth in this affidavit are based on knowledge obtained through my participation in this investigation and information provided to me by other law enforcement officers involved in the investigation. This affidavit is being submitted for the sole purpose of establishing probable cause to support the requested search warrants. I have set forth only the facts necessary to support this request for search warrants for the facilities requested in Attachment A, and I have not included every fact known to me concerning this investigation.

5. Based on the below information, your Affiant believes that probable cause exists to believe that evidence of a violation of Title 18 U.S. Code § 1924 will be located within the facilities described in Attachment A.

II. BACKGROUND REGARDING YAHOO

6. The contents and transactional data related to the subject accounts are currently in the care, custody and control of Yahoo located at 701 First Avenue, Sunnyvale, CA 94089. Yahoo offers a wide range of online computer services, to include free electronic mail message services. Subscribers to these mail services are able to send and receive messages that can be read by other subscribers and Internet users. Yahoo also provides storage space for each account, where communications, other files, and stored messages can be kept indefinitely.
7. Pursuant to 18 U.S.C. §2703(f), Yahoo has been requested to preserve all records and other evidence for the email account, alain_de_la@yahoo.com.

III. PROBABLE CAUSE

8. Allen G. Blanchette (BLANCHETTE) is a 53 year old retired member of the U.S. Army who now resides in Cary, NC. He has been sworn in as a Harnett County Deputy Sherriff since 12/04/2014.
9. On 05/07/2015, Lieutenant Colonel (LTC) Matthew Gragg, U.S. Army Battalion Commander for the 709th Military Police Battalion, sent an email to BLANCHETTE. LTC Gragg used his unclassified Army email address to send the message to

BLANCHETTE's email address which he knew to be alain_de_la@yahoo.com.

10. In 2005, BLANCHETTE had served as LTC Gragg's First Sergeant at the 108th Military Police Company in Iraq. At that time, BLANCHETTE had been involved in a number of battlefield events that took place in Iraq; two in particular LTC Gragg believed BLANCHETTE may have information on and would be of use for a leadership and professional management (LPD) training he was now preparing for in 2015. For this reason, LTC Gragg reached out to BLANCHETTE requesting the aforementioned information.

11. On 05/11/2015, at approximately 5:31pm, BLANCHETTE responded to LTC Gragg's email with attached files. LTC Gragg printed the attached documents, but as he prepared to review them, he immediately recognized that the documents were marked "SECRET". The documents contained classified Battle Damage Assessments and Intelligence summaries in relation to military engagements that had taken place in Iraq in 2005. LTC Gragg immediately notified the appropriate military personnel that he had unwittingly received classified information over an unclassified system and he deleted the email.

12. On 08/21/2015, United States Central Command (CENTCOM) provided the results of a classification review of the documents contained in the email. CENTCOM's assessment was

the documents are still classified as marked due to references of sources and methods of U.S. operations and intelligence analysis. The information contained clearly relates to military operations, intelligence activities and foreign relations and activities. In addition, service member names are included within one of the Spot Report documents.

13. Your Affiant is aware that members of the U.S. Army are trained on how to appropriately handle classified materials and that any individual who had attained the rank of MSGT would have received multiple briefings on their responsibilities and that unauthorized removal of classified materials could result in criminal prosecution.

14. A review of Yahoo documents has revealed that the subscriber to the account, alain_de_la@yahoo.com, is listed as "1SG RET Allen G Blanchette," the account was created on 5/7/2001, and the account is listed as "Active."

IV. LOCATION TO BE SEARCHED

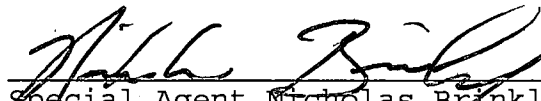
15. Yahoo has a headquarters office location at 701 First Avenue, Sunnyvale, CA 94089, along with office locations around the world. The server computers that contain the information stored in the subject email account are under the care and control of Yahoo.


16. Wherefore, your Affiant requests authority to search the accounts described in Attachment A in order to seize items described in Attachment B in accordance with Rule 41 of the Federal Rules of Criminal Procedure, pursuant to 18 U.S.C. § 2703.

V. CONCLUSION

17. Based on the above, I submit that probable cause exists to conclude that BLANCHETTE has violated Title 18 U.S. Code § 1924 and that that evidence of this conduct is contained within the email account: alain_de_la@yahoo.com.

18. Your Affiant also respectfully requests that this Affidavit be filed under seal. This investigation is currently ongoing and the details in this Affidavit, if disclosed prior to the completion of the investigation, could compromise future undercover operations and alert the subjects, both known and unknown, to the existence of the investigation.

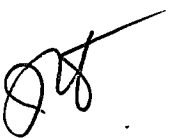

Special Agent Nicholas Brinkley
Federal Bureau of Investigation

Sworn to and subscribed to before me this 11 day Dec., 2015.

JAMES E. GATES
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to the email account alain_de_la@yahoo.com, and all information associated with such account, which is stored at premises owned, maintained, controlled, or operated by Yahoo Inc., a company headquartered in Sunnyvale, California.

A handwritten signature or set of initials, possibly "JH", written in dark ink in the bottom right corner of the page.

ATTACHMENT B

Particular Things to be Searched and Seized

I. Information to be disclosed by Yahoo, Inc. (the "Provider")

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose all documents and data related to the Subject Account(s) and/or identifier(s) listed in Attachment A. This includes, but is not limited to:

1. All contact and personal identifying information, including full name, user identification number, Neoprint, birth date, gender, contact e-mail addresses, passwords, security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers;
2. All activity logs for the account and all other documents showing the user's activities;
3. The contents of all e-mails associated with the account, in the form of stored or preserved copies of e-mails sent to and from the account, draft e-mails, the source and destination addresses associated with each e-mail, originating IP address information for all e-mails sent from the account, the date and time at which each e-mail was sent, and the size and length of each e-mail;
4. All other records of communications and messages made or received by the user, including all private messages, chat history, and video calling history;
5. The types of service utilized by the user;
6. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number).

II. Scope of Search and Seizure by the Government

All information described above in Section I that is:

1. Evidence of a violation of 18 U.S. Code § 1924 ("subject violation"); or
2. Any item constituting contraband due to the subject violation, fruits of the subject violation, or other items possessed whose possession is illegal due to the subject violation; or
3. Any property designed for use, intended for use, or used in committing any subject violation.

